

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

BRADLEY KEITH SLEIGHTER,

Plaintiff,

Case No. 1:12-cv-0763

v.

HONORABLE JANET T. NEFF

KENT COUNTY CORRECTIONAL
FACILITY ADMINISTRATION,
UNDERSHERIFF HESS and
CAPTAIN RANDY DEMORY,

Defendants.

Bradley Keith Sleighter
Plaintiff, In Pro Per
82 – 50th S.W., Apt. 323
Wyoming, MI 49548

Peter A. Smit (P278896)
Paul J. Greenwald (P25368)
VARNUM LLP
Attorneys for Defendants
Bridgewater Place, P.O. Box 352
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**DEFENDANTS' REPLY TO "PLAINTIFF'S RESPONSE
TO DEFENDANTS' MOTION TO DISMISS"**

Defendants have filed a Motion to Dismiss Plaintiff's action on a number of grounds, including Plaintiff's refusal to cooperate in the litigation by releasing his medical and psychiatric records pertinent to his claims of physical and emotional damages. In particular, despite this Court's warning him of the potential dismissal of his case, he continues his legal "gamesmanship."

The chronology of Defendants' attempts to gather information is in part as follows:

- December 18, 2012 -- Plaintiff's deposition is noticed with a *duces tecum* for medical records. (Dkt. #17);
- December 20, 2012 -- Plaintiff's "Motion to Quash Subpoena Duces Tecum" (Dkt. #18)
- January 4, 2013 -- Subpoenas for medical records are sent to Dr. Garza and Pine Rest;
- January 8, 2013 -- Plaintiff's "Motion to Quash Subpoena to Produce Documents" (Dkt. #24)
- January 10, 2013 -- Plaintiff's deposition is conducted and Plaintiff signs some, but not all, medical releases;
- January 14, 2013 -- Medical releases signed by Plaintiff at deposition are sent to Drs. Campbell, Amat, and Garza, and Pine Rest;
- January 14 - January 17, 2013 -- Plaintiff contacts Drs. Garza, Campbell, and Pine Rest cancelling authorizations.
- January 16, 2013 -- "Order" concluding with "In the event Plaintiff declines to execute such a release, the undersigned will recommend that Plaintiff's claims be dismissed for failure to comply with this Court's discovery orders" (Dkt. #27);
- January 16, 2013 -- Plaintiff's correspondence demanding Defendants seek "concurrence" (Exhibit A);
- January 17, 2013 -- Defendants' letter seeking concurrence from Plaintiff in signing attached medical releases or face dismissal (Exhibit B);

Plaintiff apparently sees all this as legal gamesmanship and believes he has the right to dictate to opposing counsel, and more importantly, to the Court, what he will disclose pursuant to the relevant rules of evidence and discovery, and what he chooses not to disclose. Counsel for Defendants has tried time and again to procure the Plaintiff's authorization to release his medical and psychiatric records. Most recently, counsel for Defendant asked Plaintiff to either agree to sign medical releases or a motion to dismiss would be filed. He simply refuses to do so and as such, consistent with this Court's Order, his case should be dismissed.

Respectfully submitted,

VARNUM LLP
Attorneys for Defendants

Dated: March 4, 2013

By: /s/ Peter A. Smit
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CERTIFICATE OF SERVICE

I certify that on March 4, 2013, the foregoing document was served on Bradley Keith Sleighter, by placing a true and correct copy in the United States mail, postage prepaid, to his address of record at 82 - 50th S.W., Apt. 323, Wyoming, MI 49548.

By: /s/ Peter A. Smit
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